

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED "ELECTIONS," TO AMEND SUBSECTION (5) ENTITLED "TOWN CANVASSING BOARD," TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN'S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 7 of the Town Charter contains provisions for the conduct of elections within the Town, and subsection (5) of Section 7 of the Town Charter specifically provides for Councilmembers who are not candidates for re-election, and the Town Clerk, to be the Town's Canvassing Board and also provides for a description of the Canvassing Board's duties; and,

WHEREAS, the Town Council deems the proposed amendment to the Town Charter, as

detailed herein, to be in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 7, entitled "Elections," Subsection (5) entitled "Town Canvassing Board," of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 7. Elections.—

(5) TOWN CANVASSING BOARD.—The town canvassing board shall be composed of three members: the Town Clerk, and two members appointed by the Town Council by Resolution. No member of the town canvassing board shall be an active participant in the town election for which he or she is canvassing as the term "active participant" is interpreted by the Florida Department of Elections. Where possible, the members of the town canvassing board shall be experienced as a judge or in the administration of elections. Should a vacancy occur on the canvassing board, the Town Council shall appoint a replacement member by resolution. The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections. ~~those members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. At the close of the polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the town clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.~~

...

Section 3. The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO AMEND TOWN CANVASSING BOARD MEMBERS
AND DUTIES

Section 4. At the Special Election called herein, on August 30, 2016, the following

{00127658.1 1574-0702400 }

CODING: Words in ~~struck through~~ type are deletion from
existing law; words in underlined type are additions

question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

Should the Town Charter be amended to remove town council members from the canvassing board; designate the members of the town canvassing board as the town clerk, and two members to be appointed by the Town Council by resolution; to provide for the filling of vacancies on the canvassing board; and to amend the duties of the canvassing board consistent with the canvassing of elections pursuant to state law?

This proposed amendment has no financial impact to the Town

YES ☐ NO ☐

Section 5. **Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

Section 6. **Referendum Election.** Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 7. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 8. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other

{00127658.1 1574-0702400 }

CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

provisions of this Ordinance.

Section 9. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 10. **Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS 3rd DAY OF MAY 2016.

Council Member M^CLENDON offered the foregoing ordinance. Council Member JARRIEL seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 17th DAY OF MAY 2016.

{00127658.1 1574-0702400 }

CODING:

Words in ~~struck-through~~ type are deletion from existing law; words in underlined type are additions

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Virginia M. Walton
Virginia Walton, Town Clerk

David Browning
Mayor David Browning

Tom Goltzene
Vice Mayor Tom Goltzene

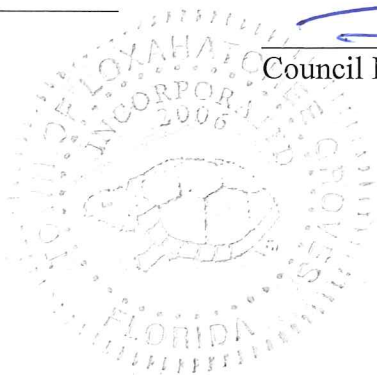
Ronald Jarriel
Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

[Signature]
Council Member Ryan Liang

[Signature]
Council Member Todd McLendon



{00127658.1 1574-0702400 }

CODING:

Words in ~~struck through~~ type are deletion from
existing law; words in underlined type are additions

RECEIPT

**TOWN OF LOXAHATCHEE GROVES
NOTICE OF PUBLIC HEARING
FOR SUBMITTING TO REFERENDUM
AN AMENDMENT TO
THE TOWN CHARTER**

The Town Council for the Town of Loxahatchee Groves proposes to adopt the following Ordinance:

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED "ELECTIONS," TO AMEND SUBSECTION (5) ENTITLED "TOWN CANVASSING BOARD," TO PROVIDE FOR THE TOWN CLERK, AND TWO OTHER MEMBERS TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN'S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Loxahatchee Groves will conduct a Public Hearing on Ordinance No. 2016-02 on Tuesday, May 17, 2016, commencing at 7:00 p.m. The Public Hearing of the Town Council shall be held at the Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470. The ordinance was passed on first reading at the Regular Town Council Meeting of the Town of Loxahatchee Groves, Florida on Tuesday, May 3, 2016. The Town Council will consider approval of the ordinance on a Public Hearing on second reading.

All interested persons are invited to appear at the Public Hearing, which may be continued from time to time, and may be heard with respect to these matters. A copy of Ordinance No. 2016-02 is on file at the Town Hall, 155 F Road, Loxahatchee Groves, Florida, 33470, for inspection by members of the public during normal business hours.

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Hall Office at: (561) 793-2418 at least five days prior to the Public Hearing date.

Virginia M. Walton, MMC
Town Clerk
PUB: The Palm Beach Post
5-7/2016 #599331

RECEIPT

Ad shown is not actual print size.

Date Printed 05/05/2016
Time Printed 12:09 PM

The Palm Beach Post
Real News Starts Here

Order 599331
Page 1 of 4

RECEIPT

Account: G792
Name: TOWN OF LOXAHATCHEE GROVES
Address: 155 F RD
LOXAHATCHEE GROVES FL 33470-4949

Phone: 561-793-2418
E-mail:

Order Name: Notice of Public Hearing
Order Id: 599331
Original Order Id:
Copy Line: TOWN OF LOXAHATCHEE GROVESNOTICE OF PUBL
Sales Rep: PB116 R Hindmarch (P)
Purchase Order: 2016-02
Pay Type: Billed
Account Group:
Caller: Virginia Walton

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary

Base:	\$288.96
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$288.96

Payment Summary

No payment information available.

Date Printed 05/05/2016
Time Printed 12:09 PM

The Palm Beach Post
Real News Starts Here

Order 599331
Page 2 of 4

RECEIPT

Ad Name: 1146746A

Ad Id: 1146746

Original Ad Id:

Start: 05/07/2016
Stop: 05/07/2016
Issues: 1
Words: 400
Dimensions: 1 X 84
Color:

Editions
PB Post
PB Post Web